

MINUTES

285th Meeting Contractors' Registration and Licensing Board October 09, 2013

The meeting began with the pledge of allegiance to the flag of the United States of America led by, David Caldwell, Contractor member of the Board.

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Eric Wishart and seconded by Mr. David Caldwell.

(C) The minutes of the 284rd meeting were approved; on a motion by Mr. David Caldwell and seconded by Mr. William Geddes.

(D) Court Case Update: October 2013

October 2013 - Court Ordered Restitution/Fines:

Contact	Claim/File	Fines	Restitution
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Torres, D. 7515	2,000	3,000
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Santos, A. 7584	1,000	5,900
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Campbell, B. pled (need amount)	(final order: rest. 3,310; fine 17,000)	
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Corriveau, K. pled (need amount) (final order: rest. 7,100; fine 5,000)

Boisse, E. pled (need amount) (final order: fine 15,000)

Toti, N. pled (need amount) (final order: fine 10,000)

Boillard, J. pled (need amount) (final order: fine 13,500)

Lomax, F. pled (need amount) (final order: rest. 2,225; fine 2,500)

Samuel, T. pled (need amount) (final order: fine 5,000)

Totals: Fines: \$ 3,000

Restitution: \$ 8,900

TOTAL: \$ 11,900

October 2013 - Funds Received Via CRB:

Contractor	Claim/File	Fines	Restitution
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Dubois	7879	- 100	
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Melfi	7854	- 100	
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Borzell, B.	9185(1)/(2)	500	-
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Rushworth	6880	- 100	
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Adams, G.	7270	350	-
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O'Neill	7842	500	-
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Mouradian	200	-	
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Totals: Fines \$ 1,350

Restitution \$ 300

TOTAL: \$ 1,650

Upcoming court dates:

10/18/13 PTC – Lee Phillips

10/25/13 PTC – Brian Sweet

10/18/13 PTC – Donald Petit

10/18/13 PTC – Edward Morenzoni

10/11/13 PTC – Adriano Medeiros

10/18/13 PTC – John Gonzalez

BW withdrawn - Julio Goncalves

Outstanding Warrants:

Mark Marshall, 454 Chapel Street, Harrisville, RI 02830

Marvin Reyes, 179 Carleton Street, Providence, RI 02908

Roger Maples, 1750 Tarklin Road, Harrisville, RI 02830

Status of Administrative Appeals:

Ribeiro 1 (2009 case) v. CRB – Ribeiro has appealed to Supreme Court.

Carson v. CRB – Case is on for Declaratory Judgment in Superior Court 12/12/13

Kapucinski v. CRB – briefing process

(E) Review of Pending Issues with the Building Officials Association:

1.) The Building Officials were not represented at this meeting due to continuing education training being held in Amherst MA.

(F) Consideration of Cases on Appeal and Oral Argument:

APPEALS and MOTIONS:

1. 12:40 PM: Claim #8022, Hiram Jamiel II vs. West Bay Builders, Michael Netro, Registration #2681. Exceptions filed by the Respondents Attorney Robert Craven and Associates. Both parties were represented by counsel and the Respondents attorney presented his exceptions to the hearing officer's decision. The items were addressed and counsel presented his case that these were not willful acts on behalf of his client and requested a reduction in the fine amounts assessed. A motion was made by Mr. Ladouceur and seconded by Eric Wishart to get additional report on this matter. Upon some discussion this motion and second was withdrawn and another motion was made by Mr. Ladouceur and seconded by Mr. Wishart to uphold the decision of the hearing officer. After further discussion and input from the Boards investigator Mr. Mike Lanni, the motion was called by the chair and carried unanimously.

2. 1:00 PM: File #9347 #1, Landmark Pools, John Williamson, Registration #21624; request for appeal on decision rendered at hearing and Proposed Order issued. The contractor who had called beforehand requesting a continuance for possible legal counsel and to present the case at a later date showed and after being questioned by the chairman decided to go forward in regard to this matter. He presented his case regarding how this matter was heard by the

hearing officer and how this violation was issued. The investigator, Steve Gianlorenzo, who issued the violation presented information to the Board that he had presented to the hearing officer. The Board reviewed the file and case and a motion was made by Mr. Furey and seconded by Mr. Ladouceur to uphold the decision rendered by the hearing officer. The motion was called by the chair and passed unanimously.

3. 1:10 PM: Registration #22075, John A. Boillard; Request to go before the Board for Re-instatement of Revoked Registration. This matter was continued until next month under the conditions set forth on a motion by Edgar Ladouceur and seconded by Eric Wishart that the Board would be provided with a hospital record of time and date at the hospital before next months meeting; motion carried unanimously.

EXPUNGEMENTS:

1. 1:30 PM: Request from Barta Construction, LLC., Craig Barta, Registration #719, to expunge File # 1303 #1 & 2, Insurance Cancellations in 1994 and 2002. The letter was read to the Board by the Executive Director and each member was given a copy of the Contractors reason for not attending. Motion was made by Eric Wishart and seconded by Martin Ezeama to deny this matter and require contractor to attend at the next meeting. Motion carried with

one negative vote lodged by David Caldwell. Matter will be put on next months calendar.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 10/09/13

Registrations:

Number of Registered Contractors	11399		
Number of Cards Surrendered	6313	Number of Cards	
Expired/Lapsed	17244	Number of Cards Invalidated	1239
Number of Cards Suspended	507		
Number of Cards Revoked	108		

Registration Actions

09/11/2013-10/09/2013

Number of New Registered Contractors	87
Number of Renewed Contractors	11312
Number of Cards Surrendered	53
Registrations Invalidated	5
Registrations Suspended	9

Registrations Revoked 1

Claims:

Administrative Appeals	7	
Board Appeals 1		
Address Traces		74
Awaiting Further Action	29	
	Court	
	586	
Disposed		6601
Final Orders 45		
Hearings 33		
Out of State Services 17	Proposed Orders 127	
Under Investigation		109
Total Claims Filed with the Board	7687	
Number of New Claims Processed	34	

09/11/2013-10/9/2013

Violations:

Action Against Registration 37

Advertising	4	
Cancelled Insurance		1352
Notice of Hearing	3	
Non-Registered Contractor		
865		
TOTAL RECORDS	2286	

Number of New Violations 84
09/11/2013-10/09/2013

Lapsed Registrations/Never Re-Newed:

October	2012
66	
November	2012
56	
December	2012
66	
January	2013
41	
February	2013
35	
March	2013

84		
	April	2013
120		
	May	2013
103		
	June	2013
99		
	July	2013
92		
	August	2013
82		
	September	2013
152		

Month	# Tickets Issued
Fines	

January 2013	4
\$1,200.00	
February 2013	3
\$ 525.00	
March 2013	0
\$.00	
April 2013	13

\$3,800.00

May 2013 10

\$2,900.00

June 2013 7

\$2,000.00

July 2013 5

\$1,950.00

August 2013 5

\$2,750.00

September 2013 9

\$6,995.00

Commercial Roofers:

Number of Registered Roofers

143

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 143

Number of Cards Surrendered 21

Number of Expired/Lapsed 61 Registrations Invalidated 1

Registrations Suspended 0

Registrations Revoked 0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by

sub-committee,

report of committees and progress. The Boards attorney has been working with the executive director to get the regulations formulated for the committee to review. Process is ongoing and working on rules and regulations for Home Inspectors, Commercial Roofers, and Well & Pump Installers.

(I) New Business:

(1.) Budget: 2014 & 2015 Budget presented to fiscal office.

**(2.) Computer Program Update on Progress (DBR), CAVU;
Board**

has been proceeding but due to the amount of the figures to complete

process with necessary corrections to get programs up and running. Costs

provided by CAVU well exceeded the budget and has brought this matter

to a halt. Matter is currently under review as to how to proceed with

management and IT.

(3) Positions: The Board still waiting for the position of Sr. State Building

Official to be filled by the Director of Administration. Additionally;

waiting on position for enforcement aide or other similar

position.

(4.) Legislation; Preparing for any new items that need to be submitted for next session.

(5.) Request for Proposal: Staff of the Board developed a new RFP to seek

testing companies to provide the RICRLB with an avenue to test Home

Inspectors, Commercial Roofers and Well Drillers. This has been processed and still awaiting responses.

(6.) Education: Still a matter that is pending.

(7.) Board members who will be part of the new sub-committees:

Home Inspectors: Arthur Salisbury, Paul Brunetti, Robert Cardoza,

David Caldwell and Bill Nash.

Commercial Roofers: Steve Carlino, J.L. Brillion, and Tom Furey.

Well Drillers/Pump Installers: Dave Caldwell, Ron Caniglia and Eric

Wishart. Meetings for these committees will be forthcoming.

(8.) Prosecution of cases: Concerns have been expressed that the cases that are

getting prosecuted are also getting civil judgments and the follow through

on the cases is limited at best. Many of the fines assessed are never recovered and homeowners that exceed the one year of probation never get paid as ordered. Mike Lanni presented several items of concern to the Board and expressed the need to have the Attorney Generals Office go after contractors under the requirement of injunctive relief. The Boards legal counsel explained the matter as to how the process is currently working and what other avenues of recourse the Board could pursue. The Board took this discussion under consideration and asked the Executive Director, Counsel and staff to put together a list of items of concern together for next meeting for a possible meeting with the Attorney General or staff in the near future.

(9.) Board Member Appointments: Eight Members of the Board terms lapsed on September 1, 2013. They are: David Caldwell, Steve Carlino, Eric

Wishart, Arthur Salisbury, Martin Ezeama, Bill Nash,

Ron Caniglia, and

William Geddes. All were recently re-appointed to the Board and approved by the Governor.

(10.) Hurricane Safety Resource was reviewed and Board decided not to put link on website at this time.

(11.) Investigators: Motion by Mr. Ladouceur and second by Dave Caldwell to have the investigator on the claims filed for appeal present. Motion carried unanimously. Mr. Ladouceur was also to look into Task Force Unit established by Attorney General.

(J) Public Comment: Marci Sheperd, Realtor, was going to present concerns to the Board regarding a Code of Ethics for contractors, but did not attend the meeting.

(K) Announcements: The next Board meeting is scheduled for Wednesday

November 13, 2013 at 12:30 PM Conference Room "A", 2nd

Floor, One Capitol Hill, Providence, Rhode

Island.

(L) Adjournment: A motion was made by Mr. Ladouceur and seconded by Mr.

Arthur Salisbury and David Caldwell, to adjourn at 3:10 PM.

Members Present: Felix Carlone, Arthur Salisbury, Eric Wishart, David Caldwell, William Geddes, Tom Furey, Robert Cardoza, Edgar Ladouceur, Ronald Caniglia, Paul Brunetti, Michael Fox, and Martin Ezeama.

Members Absent: J.L.Brillion, William Nash and Steve Carlino.

Others Present: George Whalen (Executive Director), Ariele Yaffee (Attorney Generals Office, legal counsel), stenographer, staff, parties for expungements and staff.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board